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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,916	10/01/1999	JEROME H. LUDWIG	PIPE/04	7644

7590 07/31/2002

DAVID J JOSEPHIC  
WOOD HERRON & EVANS L L P  
2700 CAREW TOWER  
CINCINNATI, OH 45202

EXAMINER

CHORBAJI, MONZER R

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/410,916

Applicant(s)

LUDWIG, JEROME H.

Examiner

MONZER R CHORBAJI

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 23-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This non-final office action is in response to the response received on 04/23/2002

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 23-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al (U.S.P.N. 6,076,536) in view of Singh (U.S.P.N. 5,512,249).

With respect to claim 23, Ludwig discloses a method for passivating a fire sprinkler system (col.3, lines 26-32) by isolating a section of a water distribution pipe (col.5, lines 5-7) such a system intrinsically includes a plurality of heat-sensitive sprinkler heads. With regard to the step of removing the water, since Ludwig isolates a section of the system, then such a step will intrinsically involves removing some water from the isolated section. Then, Ludwig teaches of inactivating the sprinkler heads by

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first removing them (col.5, lines 20-21) without indicating if such heads have been replaced with temporary fittings. Removing the sprinkler heads before or during the application of the sterilant is well within the scope of the artisan. However, when the sprinkler heads are removed, then it is an intrinsic step to cover such openings in order to clean the interior of the system. Then, Ludwig teaches of delivering sterilant heated in the range of 10 degree Celsius to 80 degree Celsius over the water in the system, which depending on the temperature of the water in the system may intrinsically include steam, for a duration to kill microorganisms in the isolated section (col.3, lines 42-48). Then, Ludwig returns the passivated section to operation (col.5, lines 15-19). However, Ludwig fails to disclose the explicit use of steam and the use of a temperature sensor. Singh teaches of sterilizing the interior surfaces of conduits by using steam (col.3, lines 61-67 and col.4, lines 1-9). Furthermore, Singh discloses the use of a temperature sensor (figure 1, 23 and col.3, lines 15-21). It would have been obvious to one having ordinary skill in the art to modify the method of Ludwig by substituting one type of sterilant (heated liquid sterilant) by another (steam) since steam is a well known sterilant in the art of sterilization.

With respect to claims 24-25, Ludwig teaches of purging the sterilant with gas and also teaches that water can be used as well (col.3, lines 53-54). However, since Ludwig is using biocides to insure the sterility of the treated section, then it is intrinsic for Ludwig method to use sterile gas as well as sterilized water.

With respect to claims 26-28, Ludwig teaches of maintaining passivity of the treated section by using water (col.4, lines 18-19 and 21-22) upon return to operation.

Also, Ludwig teaches of using air (col.3, line 54). Thus, the choice of medium to maintain the treated section upon return to operation is well within the scope of the artisan.

With respect to claim 29, as mentioned above, Ludwig teaches of removing the sprinkler heads, which intrinsically involves replacing them with fittings in order to passivate the interior surfaces of the isolated section. However, the choice of a fitting is obvious and is well within the scope of the artisan.

With respect to claim 30, Singh teaches that the desired temperature of the steam is 120.5 degree Celsius.

With respect to claim 31, even though Ludwig does not disclose of passivating sprinkler heads, however, one having ordinary skill in the art would have been motivated to clean the heads in order to insure the complete passivation of fire sprinkler systems as taught by Ludwig.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 23-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONZER R CHORBAJI whose telephone number is (703) 305-3605. The examiner can normally be reached on M-F 8:30-5:00.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT J WARDEN can be reached on (703) 308-2920. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 305-3599 for regular communications and (703) 305-7719 for After Final communications.

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Monzer R. Chorbaji *MRC*  
Patent Examiner  
AU 1744  
July 11, 2002

*Robert J. Warden, Sr.*  
ROBERT J. WARDEN, SR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700